



# NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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## **FCC UNLEASHES 25 MHz OF SPECTRUM FOR MOBILE BROADBAND USE** *Provides Greater Certainty for Satellite Radio and Mobile Broadband Licensees*

*Washington, D.C.* -- The Federal Communications Commission today adopted rules that will make available 25 megahertz of spectrum for mobile broadband service in much of the United States, while protecting adjacent satellite radio and aeronautical mobile telemetry operations. Mobile broadband promises to be a significant contributing factor for economic growth and job creation in the 21<sup>st</sup> century. To promote mobile innovation and investment, the National Broadband Plan recommends that the Commission make 500 megahertz of spectrum available for broadband use in the next 10 years, including 300 megahertz for broadband use in the next five years.

The Report and Order adopted today amends the Wireless Communications Service (WCS) rules to immediately make 25 megahertz of spectrum available for mobile broadband services. The existing WCS rules constrain operations to fixed services, but the Commission found today that those rules can be revised to allow mobile broadband services without risking harmful interference to neighboring operations.

To provide certainty for licensees while maintaining high-quality satellite radio services to the American public, the Commission adopted rules permitting the use of terrestrial repeaters by Satellite Digital Audio Radio Service (SDARS) licensees at the same time

The Commission also adopted enhanced build-out requirements for WCS licensees, to ensure that the promise of mobile broadband is realized. These requirements are designed to spur investment that will promote the deployment of innovative mobile broadband services across the country.

Together, the Orders establish a regulatory framework for the co-existence of WCS and SDARS licensees in the 2.3 GHz frequency band in the following manner:

- *Mobile and portable broadband devices:* Mobile and portable station power levels are permitted up to 250 mW average equivalent isotropically radiated power (EIRP) per 5 megahertz in WCS Blocks A and B and in the portions of WCS Blocks C and D that are separated by 2.5 megahertz from the SDARS band edges; duty cycle limitations and automatic transmit power control (ATPC) will apply; out-of-band emissions (OOBE) requirements on WCS mobile and portable devices are also relaxed.
- *WCS base and fixed stations:* Base and fixed stations in WCS Blocks A and B are permitted to operate with up to 2 kW average EIRP per 5 megahertz but stations in the C and D blocks remain limited to the 2 kW peak EIRP level currently specified in the Rules; WCS base and fixed

stations' OOBE are also relaxed; a notification process with SDARS and coordination process with aeronautical mobile telemetry (AMT) users are also established.

- *Performance requirements for WCS licensees:* For mobile and point-to-multipoint services, WCS licensees must serve 40 percent of a license area's population within 42 months, and 75 percent within 72 months. For fixed point-to-point services, WCS licensees must construct and operate 15 point-to-point links per million persons in a license area within 42 months, and 30 links within 72 months, together with a minimum payload capacity to ensure that the spectrum is used intensively. Licensees will not be required to satisfy submarket construction requirements.
- *WCS Coordination with Flight Testing Service.* In those license areas where WCS licensees must coordinate with aeronautical mobile telemetry receive sites to serve a significant percentage of a market's total population, alternative requirements apply for mobile and point-to-multipoint services. Specifically, affected licensees must serve 25 (rather than 40) percent of the population within 42 months, and 50 (rather than 75) percent within 72 months.
- *SDARS terrestrial repeaters:* Permanent rules are established for the operation of SDARS terrestrial repeaters. Repeaters operating up to 12 kW average EIRP will be authorized under a blanket licensing regime. The Commission also denies petitions for reconsideration of the 1997 SDARS Order filed by the Consumer Electronics Manufacturing Association (CEMA) and the Cellular Phone Taskforce.

Action by the Commission May 20, 2010, by Report and Order and Second Report and Order (FCC 10-82). By the Commission: Chairman Genachowski, Commissioners Copps, McDowell, Clyburn, and Baker. Separate statements issued by Chairman Genachowski, Commissioners Copps, McDowell, Clyburn, and Baker.

WT Docket No. 07-293, IB Docket No. 95-91 and GEN Docket No. 90-537.

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